IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 14670 of 2007(U)

PETITIONERS:
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1. **N.RAJEEV, MEKKEPLAVIRA VEEDU,**
   ANDOORKONAM POST, PANIMOOLA,
   THIRUVANANTHAPURAM.

2. **LALU, -DO- -DO-**
   (THE 2 ND PETITIONER IS BEING REPRESENTED
   THROUGH HIS POWER OF ATTORNEY HOLDER, THE
   1ST PETITIONER).

BY ADV. SRI.B.KRISHNA MANI.

RESPONDENTS:
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1. **THE CIRCLE INSPECTOR OF POLICE,**
   KAZHAKOOTAM,THIRUVANANTHAPURAM.

2. **THE SUB INSPECTOR OF POLICE,**
   POTHENCODE,THIRUVANANTHAPURAM.

3. **REMADEVI,MEKKEPLAVIRA VEEDU,**
   ANDOORKONAM POST,PANIMOOLA,
   THIRUVANANTHAPURAM.

4. **BALACHANDRAN NAIR, -DO-.**

BY ADV. BIJU BALAKRISHNAN,
GOVT. PLEADER SRI. SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.14670/2007-U:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PARTITION DEED DTD. 16/10/1978.

EXT.P.2: COPY OF THE ORDER DTD. 13/02/2007 PASSED BY THE TAHSILDAR AND THE EXECUTIVE MAGISTRATE, THIRUVANANTHAPURAM.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 01/05/2007 FILED BY THE PETITIONER BEFORE THE CIRCLE INSPECTOR OF POLICE.

RESPONDENT'S EXHIBITS:

EXT.R3.A: COPY OF THE SAID ORDER NO.A-3294/07, DT. 21/02/2007 OF THE REVENUE DIVISIONAL OFFICER, THIRUVANANTHAPURAM.

EXT.R3.B: COPY OF THE SAID REPORT DT. 12/09/2006 OF THE VILLAGE OFFICER, ANDOORKONAM.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.14670 of 2007-U

Judgment

Balakrishnan Nair, J.

The petitioners are brothers. The third respondent is their sister and the 4th respondent is her husband. In the family partition, the petitioners got 86 cents of land. After selling a portion of it, now, they are in possession of 50 cents, which is presently planted with rubber. The third respondent has been assigned a portion of the family property, which is "H" Schedule in Ext.P1 partition deed. It appears, she is dissatisfied with the allotment of shares. She is obstructing the tapping of rubber trees standing in the 50 cents of land in the ownership of the petitioners, it is submitted. So, the petitioners have moved the Police by filing Ext.P3 representation, praying to grant protection for carrying on the rubber tapping and other agricultural operations in the 50 cents of land in Survey No.2433/1 of Andoorkonam village. Protection to their life is also sought. Alleging that the Police are not taking any action, this Writ Petition is filed.

2. Respondents 3 and 4 have filed a counter affidavit in which it is submitted that the mutation of "J" and "K" schedule properties in favour of the

petitioners has been challenged by the third respondent before the RDO. The said Officer, by Ext.R3(a) has stayed the order of the Tahsildar, carrying out the mutation. They also rely on Ext.R3(b) which would show that respondents 3 and 4 are in possession of some puramboke land. According to them, the said puramboke land has been wrongly included in “J” and “K” schedules allotted to the petitioners.

3. The learned Government Pleader upon instruction submitted that the matter is pending before the RDO. We feel that in the civil dispute between brothers and their sister, the Police cannot be asked to interfere. The parties have to settle their dispute before the appropriate forum. In any information regarding cognizable offence is reported, needless to say, the Police will take appropriate action in accordance with law.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

06.11.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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